

1 General Government Cabinet

2 Board of Dentistry

3 New Emergency Regulation

4 201 KAR 8:521. Fees and finds

5 RELATES TO: KRS 313.022, 313.030, 313.100(2)(c), 2012 KY Acts Ch. 1

6 STATUTORY AUTHORITY: KRS 313.022(1)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.022(1) requires the board to promulgate

8 administrative regulations to prescribe a reasonable schedule of fees, charges, and fines. This

9 administrative regulation establishes fees, charges, and fines for the issuance, renewal, and reinstatement

10 of licenses, for services and materials provided by the board, for investigations, and for infractions.

11 Section 1. Dentists. (1) The initial licensure fee for a general dental license applied for in a nonrenewal  
12 year shall be \$325.

13 (2) The initial licensure fee for a general dental license applied for in a renewal year shall be \$175.

14 (3) The renewal fee for a general dental license appropriately renewed on or before the expiration of the  
15 license shall be \$295.

16 (4) The renewal reinstatement fee for a general dental license renewed between January 1 and January  
17 15 of the year following the expiration of the license shall be \$280 in addition to the renewal fee.

18 (5) The renewal reinstatement fee for a general dental license renewed between January 16 and January  
19 31 of the year following the expiration of the license shall be \$560 in addition to the renewal fee.

- 1 (6) The renewal reinstatement fee for a general dental license renewed on or after February 1 of the year  
2 following the expiration of the license shall be \$1,120 in addition to the renewal fee.
- 3 (7) The initial fee for a dental anesthesia or sedation permit shall be \$250.
- 4 (8) The renewal fee for a dental anesthesia or sedation permit shall be seventy-five (75) dollars and is in  
5 addition to the renewal fee for a general dental license.
- 6 (9) The initial fee for an anesthesia or sedation facility certificate shall be \$250.
- 7 (10) The renewal fee for an anesthesia or sedation facility certificate shall be seventy-five (75) dollars.
- 8 (11) The specialty license application fee shall be \$100.
- 9 (12) The specialty license renewal fee shall be fifty (50) dollars and is in addition to the renewal fee for  
10 a general dental license.
- 11 (13) The fee for reinstatement of a properly retired general dental license shall be \$350.
- 12 (14) The fee for reinstatement of a properly retired specialty license shall be fifty (50) dollars and is in  
13 addition to the renewal fee for a general dental license.
- 14 Section 2. Dental Hygienists. (1) The initial licensure fee for a dental hygiene license applied for in a  
15 nonrenewal year shall be \$125.
- 16 (2) The initial licensure fee for a dental hygiene license applied for in a renewal year shall be seventy-  
17 five (75) dollars.
- 18 (3) The renewal fee for a dental hygiene license appropriately renewed on or before the expiration of the  
19 license shall be \$110.
- 20 (4) The renewal reinstatement fee for a dental hygiene license renewed between January 1 and January  
21 15 of the year following the expiration of the license shall be \$130 in addition to the renewal fee.
- 22 (5) The renewal reinstatement fee for a dental hygiene license renewed between January 16 and January  
23 31 of the year following the expiration of the license shall be \$260 in addition to the renewal fee.

1 (6) The renewal reinstatement fee for a dental hygiene license renewed on or after February 1 of the year  
2 following the expiration of the license shall be \$520 in addition to the renewal fee.

3 (7) The initial dental hygiene anesthesia registration fee shall be fifty (50) dollars.

4 (8) The initial dental hygiene general supervision registration fee shall be fifty (50) dollars.

5 (9) The initial dental hygiene intravenous access line registration fee shall be fifty (50) dollars.

6 (10) The initial dental hygiene laser debridement registration fee shall be fifty (50) dollars.

7 (11) The fee for reinstatement of a properly retired dental hygiene license shall be \$125.

8 Section 3. General Fees. (1) The fee for the verification of a license shall be forty (40) dollars.

9 (2) The fee for a duplicate license shall be twenty-five (25) dollars.

10 (3) The fee for a contact list for either currently licensed dentists, currently licensed dental hygienists, or  
11 currently registered dental assistants shall be:

12 (a) \$100 for lists obtained for not-for-profit use; and

13 (b) \$1,000 for lists obtained for profit use.

14 (4) The fee for a query of the National Practitioner Data Bank shall be twenty-five (25) dollars.

15 (5) The fee for any returned check or rejected electronic payment shall be twenty-five (25) dollars.

16 Section 4. General Fines. (1) Fines may be agreed to by settlement agreement or as listed in this section.

17 (2) The costs of a disciplinary action taken as a result of a hearing shall be equal to the amount of all  
18 actual and necessary costs associated with the hearing.

19 (3) If a licensee is found to be deficient on hours following a continuing education audit, the fine shall  
20 be \$200 per hour deficient not to exceed \$5,000.

21 (4) The fine for failure of a follow-up infection control inspection shall be \$500.

22 (5) The fine for failure of a follow-up anesthesia and sedation facility inspection, performed no sooner  
23 than thirty (30) days following an initial failed inspection, shall be \$1,500.

1 (6) The fine for a licensee who is disciplined in another state or territory who holds a Kentucky license  
2 and fails to notify the Board in writing of the disciplinary action within 30 days of the finalization of the  
3 action shall be subject to not less than a \$1000.00 fine.

4 (7) A licensee who fails to register for an account with the Kentucky All Scheduled Prescription  
5 Electronic Reporting System or who fails to meet the requirements of 201 KAR 8:541 Section 4 shall  
6 receive a private admonishment from the board and be given no more than thirty (30) days to become  
7 compliant after which time the dentist shall be subject to no less than a \$500.00 fine.

8 Section 5. All fines and fees paid to the board are nonrefundable. (37 Ky.R. 618; Am. 1628; eff. 2-4-  
9 2011.)

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DR. ADAM K RICH, DMD, Board President

July 24, 2012  
Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on Tuesday, September 25, 2012, at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY 40222. Individuals interested in being heard at this hearing shall notify this agency in writing no later than September 24, 2012, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until September 24, 2012.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Brian K. Bishop, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY, 40222. Phone (502) 429-7280, fax (502) 429-7282, email [briank.bishop@ky.gov](mailto:briank.bishop@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: **201 KAR 8:520. Fees and fines.**

Contact Person: **Brian K. Bishop, Executive Director  
Board of Dentistry**

(1) Provide a brief summary of:

(a) What this administrative regulation does: **This administrative regulation establishes fees, charges, and fines for the issuance, renewal, and reinstatement of licenses, for services and materials provided by the board, for investigations, and for infractions, which is mandated by KRS 313**

(b) The necessity of this administrative regulation: **KRS 313 requires the board to promulgate administrative regulations to establish fees, charges, and fines for the issuance, renewal, and reinstatement of licenses, for services and materials provided by the board, for investigations, and for infractions.**

(c) How this administrative regulation conforms to the content of the authorizing statute: **KRS 313 requires the board to establish fees and fines that do not exceed the national average, which is what this administrative regulation does.**

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: **This administrative regulation provides all of the funding by which the board operates.**

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: **The amendment will add fines for individuals failing to meet the mandates for 2012 KY Acts Ch. 1.**

(b) The necessity of the amendment to this administrative regulation: **The amendment adds an enforcement and penalty section to the regulation for the implementation of 2012 KY Acts Ch. 1.**

(c) How the amendment conforms to the content of the authorizing statute: **The Board has the authority under KRS 313 to fine dentist who fail to meet the standards set by the Kentucky Board of Dentistry.**

(d) How the amendment will assist in the effective administration of the statutes: **This amendment will give the Law Enforcement committee a starting base to insure the implementation of 2012 KY Acts Ch. 1.**

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: **This administrative regulation will impact any individual licensed or registered by the board. To date there are approximately 3119**

**currently licensed dentists and approximately 125 new applicants per year as well as 2402 dental hygienist currently licensed by the board and approximately 100 new applicants per year.**

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: **There are no new actions for licensees to take in order to comply with this administrative regulation.**

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): **Compliance with this administrative regulation will cost licensees the amount specified in this administrative regulation.**

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): **Licensees who are in compliance will have the legal ability to practice dentistry, dental hygiene, or dental assisting in the Commonwealth of Kentucky.**

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: **No additional costs are expected.**

(b) On a continuing basis: **No additional costs are expected.**

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: **The implementation and enforcement of this regulation are fully funded by licensing fees paid by dentists, dental hygienists, and dental assistants as part of compliance with this regulation.**

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: **The fees found in this administrative regulation make the agency financially solvent.**

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: **This administrative regulation both establishes fees and makes adjustments to the board's current fee structure without exceeding national or regional averages as directed by 2010 Ky. Acts ch. 85.**

(9) TIERING: Is tiering applied? **This administrative regulation applies tiering by establishing different fees for different levels of licensure or registration. Different costs reflect both the different levels of responsibility of each type of licensee and also the difference in the cost to administer different types of licenses.**



## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 8:521.

Contact Person: Brian K. Bishop, Executive Director,  
Board of Dentistry

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes   X   No       

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Board of Dentistry is the only state government entity which will be impacted by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

2010 Ky. Acts ch. 85

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There will be no new net fiscal affect on the Kentucky Board of Dentistry as the agency is a fully self funded agency and receives no general fund dollars.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(c) How much will it cost to administer this program for the first year?

FY 2010 – 2011 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$705,400

(d) How much will it cost to administer this program for subsequent years?

FY 2011 – 2012 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$714,000

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

